

AMENDED IN SENATE MARCH 27, 2008

SENATE BILL

No. 1401

Introduced by Senator Simitian

February 21, 2008

An act to add Section 399.5 to the Military and Veterans Code, relating to traumatic brain injury screening.

LEGISLATIVE COUNSEL'S DIGEST

SB 1401, as amended, Simitian. ~~Armed-~~forces~~ Forces~~: traumatic brain injury screening.

Existing law provides for certain rights and privileges for active members of the ~~Armed-~~Force~~ Forces~~, reservists, and veterans of the Armed Forces, including members of the California National Guard.

This bill would require the Secretary of the California Department of Veterans Affairs, or his or her designee, to assist an eligible member, as defined, or veteran in obtaining ~~a best practice~~ *an appropriate* health screening for traumatic brain injury, as described. A member or veteran would be eligible to receive the assistance when he or she returns to this state after service in specified combat zones. This bill would require the Secretary of the California Department of Veterans Affairs, or his or her designee, to develop a plan for outreach to eligible members and veterans, as described, regarding traumatic brain injury. *This bill would also require the Adjutant General, or his or her designee, to develop a plan for outreach to eligible members of the California National Guard who have returned from combat and remain on duty.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 399.5 is added to the Military and Veterans Code, to read:

399.5. (a) (1) The Secretary of the California Department of Veterans Affairs, or his or her designees, shall assist any eligible member or veteran who returns or has returned to this state in obtaining ~~a best practice~~ *an appropriate* health screening test for traumatic brain injury.

(2) The eligible member or veteran must return or have returned to this state after service.

(b) (1) In order to effectively provide the assistance required by subdivision (a), the Secretary of the California Department of Veterans Affairs, or his or her designees, shall develop and implement a plan for outreach to eligible members and veterans who have returned from combat. *The Adjutant General, or his or her designee, shall also develop and implement a plan for outreach to eligible members of the California National Guard who have returned from combat and remain on duty in order to effectively provide the service required by subdivision (a).*

(2) ~~The~~ *Each* outreach plan shall provide information to eligible members and veterans concerning traumatic brain injury, the possible impacts associated with traumatic brain injury, and the right to screening services.

(c) For purposes of this section, all of the following apply:

(1) “Eligible member” means a member who served ~~in the Persian Gulf War, as defined in Section 101 of Title 38 of the United States Code, in an area designated as a combat zone by the President of United States during Operation Enduring Freedom or Operation Iraqi Freedom, or in any other combat theater.~~ *under Title 10 of the United States Code designated by Executive Orders Nos. 12744 and 13239 of the President of the United States.*

(2) “Member” or “member of the Armed Forces” means a member of the Armed Forces of the United States, including the California National Guard, who is a resident of this state.

(3) “Military physician” means a provider who is under contract with the United States Department of Defense to provide physician services to members of the Armed Forces.

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